

# ***HOUSE OF REPRESENTATIVES***

## ***Fiscal Responsibility Council***

**Representative Carlos A. Lacasa, Chair**  
**Representative Sandra Murman, Vice Chair**

## **2001 SUMMARY OF PASSED LEGISLATION**



### ***Criminal Justice Appropriations Committee***

**Representative Randy John Ball, Chair**  
**Representative Matthew J. "Matt" Meadows, Vice Chair**

### ***Education Appropriations Committee***

**Representative Evelyn J. Lynn, Chair**  
**Representative Dwight Stansel, Vice Chair**

### ***Fiscal Policy & Resources Committee***

**Representative Rob Wallace, Chair**  
**Representative Mike Haridopolos, Vice Chair**

### ***General Government Appropriations Committee***

**Representative Paula Bono Dockery, Chair**  
**Representative Ron L. Greenstein, Vice Chair**

### ***Health & Human Services Committee***

**Representative Jerry Louis Maygarden, Chair**  
**Representative Frank Farkas, Vice Chair**

### ***Transportation & Economic Development Appropriations Committee***

**Representative Randy Johnson, Chair**  
**Representative William F. "Bill" Andrews, Vice Chair**



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## Fiscal Responsibility Council

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**CS/CS/SB 792, 2nd ENG. – Health Care Administration Agency**

**By Appropriations; Health, Aging and Long-Term Care; Silver**

**Linked Bills:** None

**Tied Bills:** HB 1753, 1<sup>st</sup> ENG., HB 1867, 2<sup>nd</sup> ENG., CS/SB 904, CS/CS/CS/SB 1202, 2<sup>nd</sup> ENG., CS/SB 1306, 1<sup>st</sup> ENG.

**Committee(s)/Councils(s) of Reference:** Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; Appropriations; Rules and Calendar

CS/CS/SB 792 makes statutory changes which are necessary to implement the Medicaid program based on funding decisions included in the 2001-2002 General Appropriations Act. Major provisions of the bill include: permits the Agency for Health Care Administration (AHCA) to establish a Medicaid restricted drug formulary and negotiate supplemental rebates; limits Medicaid cross-over payments for nursing home and hospital outpatient care to 20% of Medicare allowable fees (rather than provider charges); restricts nursing home rate adjustments associated with changes in ownership; requires prior authorization for all non-emergency hospital inpatient admissions; reduces the number of state paid days for hospital inpatient services (requires counties to reimburse for days 11 and 12); shifts general nursing home care to the assisted living waiver; reduces hospital institutional provider rates by 6% effective July 1, 2001, and restores the reduction on April 1, 2002; authorizes competitive bidding to be used as the basis for reimbursement of home health care services, medical supplies and appliances, transportation and independent laboratory services; extends Medicaid eligibility to certain women with incomes below 200 percent of poverty and under age 65 for cancer treatment; extends Medicaid eligibility as part of a Medicaid buy-in for certain disabled persons; implements prior authorization for certain community mental health services; transfers the Community Hospital Education Program (CHEP) to the Department of Health; provides that the agency may certify local governmental funds as match to the Medicaid program (Title XIX); provides for assignment to an HMO for recipients who do not choose a managed care plan until a 50% HMO and 50% MediPass level of enrollment is achieved; allows the agency to contract for services from "children's provider networks"; provides for an allocation of additional federal disproportionate share funds for federal fiscal year 2001-2002; and, provides for a 50 cent increase in the pharmaceutical dispensing fee for prescriptions dispensed to nursing home residents and other institutional residents.

The bill also readopts provisions from the 2000-2001 General Appropriations Act implementing bill related to AHCA which need to be continued in FY 2001-2002.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/SB 1118, 1st ENG. – Elections**

**By Ethics and Elections**

**Linked Bills:** None

**Tied Bills:** Compare HB 1757, CS/HB 1921, 1<sup>st</sup> ENG., CS/HB 1925, 1<sup>st</sup> ENG, Includes the provisions of HB 1739.

**Committee(s)/Councils(s) of Reference:** Ethics and Elections; Appropriations Subcommittee on General Government; Appropriations; Rules and Calendar

CS/SB 1118 accomplishes the intent of HB 1739, to allow a reduction in the election fraud prevention special category in the Department of State, Division of Elections. It repeals section 98.0975, Florida Statutes, to eliminate the requirement that the Division of Elections contract with a private entity to compare information in the central voter file with available information in other computer databases, including criminal records and records of deceased persons. The General Appropriations Act contains a \$900,000 recurring General Revenue reduction in the Division of Elections' election fraud prevention special category to reflect the elimination of this contract requirement.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2002.

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**CS/CS/HB 1204, 1st ENG.– Fish & Wildlife Conservation Commission**

**By Finance and Taxation; Agriculture and Consumer Services; Bronson**

**Linked Bills:**

**Tied Bills:** Compare H 1715, H 1913, CS/1st ENG/S 2024, Includes the provisions of HB 1715

**Committee(s)/Councils(s) of Reference:** Natural Resources; Agriculture and Consumer Services; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations

SB 1204 includes the provisions of HB 1715, to repeal a requirement that the Fish and Wildlife Conservation Commission provide a state subsidy for leasing private property for public recreational use within the User Pay program of the Wildlife Management Areas.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**HB 1707 – Energy Management**

**By Fiscal Responsibility Council; Dockery**

**Linked Bills:** none

**Tied Bills:** none

**Committee(s)/Councils(s) of Reference:** Governmental Oversight and Productivity; Appropriations

HB 1707 removes provisions that direct the Department of Management Services to provide energy management plans for state agencies and that require state agencies to submit certain energy data to the department.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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**HB 1711 – DMS/Construction Management Services**

**By Fiscal Responsibility Council; Dockery**

**Linked Bills:** none

**Tied Bills:** none

**Committee(s)/Councils(s) of Reference:** Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations

HB 1711 eliminates the authority of the Department of Management Services to enter into contracts with nonstate entities for construction management services.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**HB 1717, 1st ENG. – Dairy Industry Division**

**By Fiscal Responsibility Council; Dockery**

**Linked Bills:** none

**Tied Bills:** none

**Committee(s)/Councils(s) of Reference:** Agriculture and Consumer Services; Governmental Oversight and Productivity; Appropriations

HB 1717 eliminates the Dairy Industry Division within the Department of Agriculture and Consumer Services and renames the Division of Food Safety to the Division of Dairy and Food Safety. HB 501 re-established the Division of Dairy and reversed the action of HB 1717.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**HB 1719 – DMS/Motor Vehicles/Aircraft**

**By Fiscal Responsibility Council; Dockery**

**Linked Bills:** none

**Tied Bills:** none

**Committee(s)/Councils(s) of Reference:** Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations

HB 1719 revises language regarding powers and duties of the Department of Management Services. The bill authorizes the department to contract for the maintenance of motor vehicles and deletes a requirement for the department to submit a report on the special purpose aircraft.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**HB 1729 – Batterers' Intervention Programs**

**By Fiscal Responsibility Council; Ball**

**Linked Bills:** None

**Tied Bills:** Compare CS/SB 1002

**Committee(s)/Councils(s) of Reference:** Criminal Justice; Children and Families, Appropriations Subcommittee on Health and Human Services; Appropriations

HB 1729 transfers the Office for Certification and Monitoring of Batterers' Intervention Programs from the Department of Corrections to the Department of Children and Family Services. In addition, it removes responsibility for the Department of Corrections to prepare sentencing scoresheets. These provisions conform substantive law to provisions contained in the FY 2001-2002 General Appropriations Act.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**HB 1731 – Criminal Justice Programs/Transfer**

**By Fiscal Responsibility Council; Johnson**

**Linked Bills:** None

**Tied Bills:** Similar SB 1980, Compare HB 1741, HB 1809, SB 2002, 1st ENG., SB 2086

**Committee(s)/Councils(s) of Reference:** Criminal Justice; Comprehensive Planning; Local and Military Affairs; Finance and Taxation; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

HB 1731 bill reenacts and makes permanent the transfer of criminal justice and domestic and sexual violence programs from the Department of Community Affairs (DCA) to the Florida Department of Law Enforcement (FDLE) and the Department of Children and Family Services (DCF). The bill redistributes the collections in the Additional Court Cost Clearing Trust Fund to deposit all of these court cost fees in trust funds in FDLE rather than deposit any of these funds in trust funds in DCA. The bill further provides direction regarding transfer of funds from FDLE to DCF. Similar provisions were included in the Appropriations Implementing Bill that became law in the 2000 legislative session.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

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**HB 1741, 1st ENG. – Children and Family Services**

**By Fiscal Responsibility Council; Maygarden**

**Linked Bills:** None

**Tied Bills:** Compare HB 1731, HB 1809, SB 1980, SB 2002, 1st ENG., SB 2086

**Committee(s)/Councils(s) of Reference:** Children and Families; Appropriations Subcommittee on Health and Human Services; Appropriations

HB 1741 establishes requirements for using Temporary Assistance for Needy Families (TANF) funds to help pay for the care of special needs children who have been adopted; established the Community Partnership Matching Grant Program for the purpose of encouraging local participation in community-based care child welfare (minimum local contribution of \$825,000 and maximum of \$2 million on a two-for-one match); earmarks



funds from the Additional Court Cost Clearing Trust Fund to the Operating Trust Fund in the Department of Law Enforcement for grant matching, implementing, administering, evaluating and qualifying for federal funds; transfers the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; and directs that a portion of court fines used for domestic violence programs be deposited to the Department of Law Enforcement, which is in turn transferred to the Department of Children and Family Services to reflect the transfer of the programs from the Department of Community Affairs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**HB 1743– Juvenile Justice Advisory Board  
By Fiscal Responsibility Council; Ball**

**Linked Bills:**

**Tied Bills:** Compare CS/CS/2nd ENG/H 267, S 1716, CS/S 1914.

**Committee(s)/Councils(s) of Reference:** Criminal Justice; Appropriations

HB 1743 repeals the Juvenile Justice Advisory Board. This provision conforms substantive law to a funding decision contained in the FY 2001-2002 General Appropriations Act.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/SB 1784, 1st ENG. – State Planning & Budgeting  
By Appropriations; Horne**

**Linked Bills:**

**Tied Bills:** HB 1977

**Committee(s)/Councils(s) of Reference:** Appropriations Subcommittee on General Government; Appropriations; Rules & Calendar

SB 1784 revises the state budgeting laws. It corrects, updates and modernizes portions of Chapters 215 and 216. The most significant changes are that it requires the Legislative Budget Commission to review and act upon agency trust fund increases in excess of 5% of the original approved operating budget or \$1,000,000, whichever is greater; it establishes the Agency Incentive and Savings Program which provides additional budget flexibility to agencies as an incentive to reduce costs; it establishes legislative policy and targets regarding level of state debt; and it specifies legislative intent to work toward activity-based budgeting.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**HB 1821, 2nd ENG. – State Retirement Contributions  
By Fiscal Responsibility Council; Murman**

**Linked Bills:** None

**Tied Bills:** Includes provisions similar to HB 1931

**Committee(s)/Councils(s) of Reference:** Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations

HB 1821 establishes the contribution rates paid by employers participating in the defined benefit program of the Florida Retirement System. These rates are equivalent to the normal costs determined by the Florida Retirement System's consulting actuary.

The bill also increases the contribution rates paid by employers to fund the Retiree Health Insurance Subsidy Trust Fund. The rate is increased from 0.94 percent of payroll to 1.11 percent of payroll. This increase will generate approximately \$35 million annually for the trust fund.

Based on the actuarial surpluses which exist in the Florida Retirement System Trust Fund, the Legislature reduced the actual contribution rates applicable for FY 2001-2002. Overall, these reductions result in a 1.85 percent decrease in FY 2001-2002 costs over FY 2000-01 costs. This equates to a \$375 million savings to public employers statewide.

The contribution rates for the State University System Optional Retirement Program and the Community College Optional Retirement Program are statutorily set at 10.43 percent of each employee's compensation. Under prior law, each contribution rate was determined by the normal cost portion of the contribution paid on behalf of the Regular Class of the defined benefit program of the Florida Retirement System plus an amount equal to the contribution to the Retiree Health Insurance Subsidy Trust Fund.

The contribution rate for the Senior Management Service Optional Annuity Program is statutorily set at 12.49 percent of each employee's compensation. Under prior law, the contribution rate was determined by the normal cost portion of the contribution paid on behalf of the Senior Management Service Class of the defined benefit program of the Florida Retirement System plus an amount equal to the contribution to the Retiree Health Insurance Subsidy Trust Fund.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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## **Education Appropriations Committee**

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### **HB 1545 – Schools/Performance Reporting**

**By Education Appropriations; Lynn**

**Linked Bills:**

**Tied Bills:** Similar SB 1710

**Committee(s)/Councils(s) of Reference:** Council for Lifelong Learning

HB 1545 creates the “Dollars to the Classroom Act of 2001.” It provides that the Legislature may prescribe in the General Appropriations Act, minimum academic performance standards for school districts and minimum classroom instruction expenditure requirements for school district’s that do not meet these academic performance standards.

Subject to the Governor’s veto powers, the effective date of this bill is Upon becoming law.

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## **Fiscal Policy & Resources Committee**

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### **HB 21, 1st ENG. – Intangible Personal Property Taxes**

**By Fasano; Kyle and others**

**Linked Bills:** None

**Tied Bills:** None

**Committee(s)/Councils(s) of Reference:** Fiscal Policy & Resources (FRC); Fiscal Responsibility Council; Commerce & Economic Opportunities; Finance and Taxation

HB 21 entitles every person to an exemption on the first \$250,000 of the value of property subject to the annual intangibles tax. The bill entitles every husband and wife filing jointly to an exemption on the first \$500,000 and every taxpayer that is not a natural person to an exemption on the first \$250,000.

HB 21 repeals a provision that allows the Department of Revenue to enter into contracts with public or private vendors to develop and implement a voluntary system for sales and use tax collection and administration.

HB 21 creates the “Simplified Sales and Use Tax Administration Act” for the State of Florida. The bill authorizes the Department of Revenue to enter into the “Streamlined Sales and Use Tax Agreement” with one or more states in order to simplify and modernize sales and use tax administration. The bill provides that no person has any cause of action or defense under the agreement. It provides that certified service providers are liable for taxes on all sales transactions completed by such provider. The bill provides that any person utilizing a certified automated system is subject to liability, and provides that any seller utilizing a proprietary system for determining the amount of tax due, and has signed an agreement establishing a performance standard, is liable for the failure of the system to meet the performance standard.

HB 21 creates a corporate income tax credit for monetary donations to a nonprofit scholarship funding organization that is established to provide scholarships to eligible students from families that meet the income eligibility guidelines for free and reduced price lunch meals pursuant to the National School Lunch Act. The total amount of tax credit which may be granted each state fiscal year is \$50 million.

HB 21 exempts from sales tax water that has been enhanced by the addition of minerals and that does not contain any added carbonation or flavorings.

Subject to the Governor’s veto powers, the effective date of this bill is January 1, 2002.

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**HB 251, 1st ENG. – Sales Tax Exempt/ Clothes & Supplies**

**By Kilmer**

**Linked Bills:** none

**Tied Bills:** CS/SB 156

**Committee(s)/Councils(s) of Reference:** Fiscal Policy & Resources (FRC); Fiscal Responsibility Council

HB 251 creates the fourth “Florida Residents’ Tax Relief Act,” which provides that no sales and use tax will be collected on sales of clothing, wallets, or certain bags having a selling price of \$50 or less during the period from 12:01 a.m. on Saturday, July 28, 2001, through midnight on Sunday, August 5, 2001. The bill also provides that no sales and use tax shall be collected on sales of school supplies having a selling price of \$10 per item or less during that same period of time.

Finally, this bill provides an appropriation of \$200,000 to the Department of Revenue for the purpose of administering this Act.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

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**SB 1166, 2nd ENG. – Cultural Endowment Program**

**By Sebesta**

**Linked Bills:** None

**Tied Bills:** Similar CS/HB 333

**Committee(s)/Councils(s) of Reference:** Governmental Oversight and Productivity, Appropriations Subcommittee on General Government, Appropriations

SB 1166 permits a greater selection of financial instruments for the investment of cultural endowment funds, such as stocks and bonds, rather than just fixed-income instruments, as provided by rules promulgated by the Department of State.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2001.

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**SB 1564 – Corporate Income Tax/Internal Revenue**

**By Carlton**

**Linked Bills:** None

**Tied Bills:** Identical HB 1975

**Committee(s)/Councils(s) of Reference:** Finance and Taxation

SB 1564 updates the Florida Income Tax Code to reflect the changes Congress has made to the U.S. Internal Revenue Code of 1986. This definition provides for “piggybacking” so that corporations which are subject to Florida corporate income tax can base their calculations on current IRS rules, rather than keep two sets of accounts.

Subject to the Governor’s veto powers, the effective date of this bill is January 1, 2001.

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**CS/SB 1576, 2nd ENG. – Ad Valorem Tax Administration  
By Finance and Taxation; Carlton**

**Linked Bills:** None

**Tied Bills:** HB 1983, HB 621, SB 210

**Committee(s)/Councils(s) of Reference:** Finance and Taxation; Appropriations  
Subcommittee on General Government; Appropriations

SB 1576 requires the documentation and retention of records of the measures of representativeness and statistical reliability in in-depth studies, and requires, to the greatest extent practicable, substratification of assessment roll data by value group or market area to enhance the representativeness of ratio sample studies. The bill raises the minimum tax bill from \$5 to \$30. This bill authorizes the tax collector to contract with a title company or an abstract company to provide a list of legal title holders and lienholders of record of property on which a tax deed application is made. It modifies the notice of proposed property taxes and non-ad valorem assessments to allow independent special districts to be listed separately. It allows the property appraiser to correct material mistakes of fact on assessments of homesteads. It provides that delinquent tax notices shall be sent out on April 30 instead of April 10. It creates the Property Tax Administration Task Force for the purpose of serving as a forum for bringing issues in property tax administration to the Department of Revenue, of providing and evaluating suggestions for improving the property tax administration process, and of promoting greater understanding of property tax administration issues. It creates an advisory committee to study the taxation of airport and seaport property. Finally, it clarifies the taxation of non-profit homes for the aged.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001, except as otherwise provided.

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## **Transportation & Economic Development Appropriations Committee**

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### **SB 1720 – Administrative Trust Fund**

**By Appropriations; King**

**Linked Bills:**

**Tied Bills:** HB 1883, 1st ENG.

**Committee(s)/Councils(s) of Reference:** Commerce & Economic Opportunities;  
Appropriations Subcommittee on General Government; Appropriations

SB 1720 creates the Administrative Trust Fund in the Agency for Workforce Innovation to facilitate the general administrative activities for the agency. Creation of this trust fund was inadvertently omitted in the 2000 session when the Agency for Workforce Innovation was created.

Notwithstanding the requirement in Chapter 216, F.S., for the reversion of unexpended balances of appropriations, funds remaining in the trust fund at the end of the fiscal year may be retained in the trust fund in support of the fund's purposes.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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